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BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

In the Matter of)
)
PUERTO RICO TELEPHONE COMPANY)
)
Request for Temporary Waiver) CC Docket No. 92-237
of the Commission's)
Four-Digit Carrier)
Identification Code (CIC))
Implementation Schedule)

To: The Commission

PETITION FOR TEMPORARY WAIVER

Puerto Rico Telephone Company ("PRTC"), by its attorneys and pursuant to Section 1.41 of the Commission's Rules, 47 C.F.R. § 1.41, hereby requests a temporary waiver of the Commission's requirement that local exchange carriers cease the use of three-digit carrier identification codes ("CICs") by June 30, 1998. This requirement was established by the Commission in its Order on Reconsideration in the captioned proceeding¹ as the second step in its two-step transition process to implement the use of four-digit CICs.

I. BACKGROUND

PRTC is the incumbent local exchange carrier in Puerto Rico and is wholly-owned by the Puerto Rico Telephone Authority, a government instrumentality of the Commonwealth of Puerto Rico.

¹ In the Matter of Administration of the North American Numbering Plan, Carrier Identification Codes (CICs), 12 FCC Rcd 17876 (1997) ("Order on Reconsideration").

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In its Order on Reconsideration, the Commission directed local exchange carriers, including PRTC, to adopt a two-step transition process for the replacement of three-digit CICs with four-digit CICs. By January 1, 1998, the end of the first step, local exchange carriers were required to upgrade their end-office switches to accept four-digit CICs.² The second step, during which carriers are allowed to use both three-digit and four-digit CICs, is scheduled to end on June 30, 1998.³ After this date, only four-digit CICs will be recognized.⁴

PRTC completed the first step of the transition process on schedule and is technically prepared for the end of the second step of the Commission's four-digit CIC implementation on June 30. However, the timing of the second step poses unique difficulties and complications for consumers of telecommunications services in Puerto Rico. Since December of 1996, customers have been able to select any carrier in Puerto Rico that provides intraLATA long distance dialing through a five-digit access code. However, the Telecommunications Regulatory Board of Puerto Rico ("TRB") recently issued an order mandating toll dialing parity on February 1, 1999 for long distance calls originating and terminating within Puerto Rico.⁵

² Id. at 17888.

³ Id.

⁴ Id. at 17879.

⁵ Request that the Puerto Rico Telephone Company be Ordered to Offer Dialing Parity, No. 97-Q-0008, Resolution and Order (issued April 3, 1998).

Because the toll dialing parity implementation date occurs seven months after the Commission's second deadline in its four-digit CIC implementation, consumers in Puerto Rico will be asked to learn new dialing procedures on June 30 that they will then be asked to unlearn when different procedures become available on February 1. In the end, consumers in Puerto Rico will be unnecessarily confused by repeated changes in dialing procedures, and as a result, competition may be harmed. For this reason PRTC requests a temporary waiver of the Commission's requirement that the use of three-digit CICs cease by June 30 and instead proposes an extension of this deadline for PRTC to February 1 so that it will coincide with the implementation of toll dialing parity in Puerto Rico.

II. PRTC QUALIFIES FOR A WAIVER UNDER SECTION 1.3 OF THE COMMISSION'S RULES

PRTC requests a waiver of the four-digit CIC transition date under Section 1.3 of the Commission's Rules.⁶ Under Section 1.3, the Commission has the discretion to waive its rules if there is good cause to do so⁷ and if there exist "special circumstances" in which deviation from the rule would "serve the public interest."⁸

⁶ 47 C.F.R. § 1.3.

⁷ Id.

⁸ See Northeast Cellular Telephone v. FCC, 897 F.2d 1164, 1166 (D.C. Cir. 1990) (citing WAIT Radio v. FCC, 418 F.2d 1153, 1159 (D.C. Cir. 1969), cert. denied, 409 U.S. 1027 (1972)).

This request for a temporary waiver of the Commission's requirement that PRTC complete the transition from three-digit to four-digit CICs by June 30 is based on special and unusual circumstances. Two substantial changes to its network and the manner in which consumers access services through this network are now required within a very brief time period. While PRTC would like to consolidate these changes by accelerating its implementation of toll dialing parity to meet the Commission's June 30 deadline, it is not technically feasible to do so. Thus, the only way for PRTC to comply with both the Commission deadline and TRB order in a manner that does not unnecessarily inconvenience consumers is to extend the Commission's June 30 deadline until February 1, the implementation date for toll dialing parity in Puerto Rico.

Moreover, the public interest would best be served by consolidating the final implementation of four-digit CICs with the implementation of toll dialing parity. Consumers will inevitably be frustrated and confused by multiple implementation schedules. They will be required, during one seven month period, to unlearn their current five-digit dialing patterns and receive instruction in a new seven-digit dialing method which only shortly thereafter they will have to unlearn so that yet again they can be instructed in another new and different method. This is a needlessly difficult situation. The public interest in clear instructions, system stability and greater access to a wide

variety of telecommunications carriers and services would be better served by a temporary waiver extending the Commission's June 30 deadline to coincide with the February 1 implementation date for toll dialing parity.

The extension PRTC requests is distinguishable from MCI's earlier request for an extension of the transition until the Regional Bell Operating Companies are required to provide intraLATA toll dialing parity. The Commission rejected MCI's request on the basis that increasing CIC consumption compels a transition period that is brief as reasonably possible.⁹ However, PRTC seeks an extension that, unlike the request made by MCI, is narrow in scope because it is limited to circumstances that are unique to Puerto Rico.

III. THE FACTORS THE COMMISSION HAS WEIGHED IN OTHER PETITIONS FURTHER QUALIFY PRTC FOR A WAIVER

In earlier petitions for waiver of the four-digit CIC implementation schedule, the Commission weighed the following factors in making its decision: (1) the local exchange carrier's diligence in upgrading its switches; (2) the availability from manufacturers of products required to accomplish the upgrade; and (3) the impact of an extension of the conversion deadline on the interexchange carriers served by the local exchange carrier's switches and the customer's ability to reach interexchange

⁹ Order on Reconsideration at 17894.

carriers through carrier access code ("CAC") dialing.¹⁰

PRTC has been entirely diligent in upgrading its switches. PRTC fully complied with the first step of the transition process and the January 1 deadline imposed by the Commission. PRTC's end-office switches are prepared for the activation of 101-5XXX and 101-6XXX formats whenever requested by any carrier. In sum, PRTC is fully technically prepared for the implementation of four-digit CICs on June 30. As a result, the availability of manufacturers' products necessary to accomplish the upgrade is not a relevant consideration.

Finally, the impact of an extension of the four-digit conversion deadline on interexchange carriers and the ability of customers to reach interexchange carriers through CAC dialing does not outweigh the burden that would be imposed by a denial of this petition for waiver.¹¹ In fact, interexchange carriers will actually benefit from an extension of the June 30 deadline because their customers will not be inconvenienced and frustrated by multiple implementation schedules that make it difficult and confusing for customers to access their services.

IV. CONCLUSION

For these reasons, PRTC requests a temporary waiver of the Commission's requirement that the use of three-digit CICs cease

¹⁰ See, e.g., Petitions for Waiver of the Four-Digit Carrier Identification Code (CIC) Implementation Schedule, 12 FCC Rcd 20205, 20215 (1997).

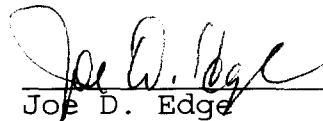
¹¹ See id. at 20219.

by June 30, 1998 and further requests that PRTC receive an extension of this deadline until February 1, 1999.

Respectfully submitted,

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